

Remarks

Claims 1-17 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

Applicant notes that the previous final rejections have been withdrawn.

The non-final Office Action dated March 21, 2007 indicated that claims 16 and 17 remain in condition for allowance, and listed the following new rejections: Claims 1-13 stand rejected under 35 U.S.C. § 102(e) over Ménard (U.S. 6,944,151); and claims 14-15 stand rejected under 35 U.S.C. § 103(a) over Ménard in view of Vargo *et al.* (U.S. 6,477,164).

Applicant appreciates the continued allowance of claims 16 and 17.

Applicant respectfully traverses the Section 102(e) rejections of claims 1-13 because the Office Action fails to cite any reference that corresponds to claimed invention. Regarding claim 7, the cited portions of the Ménard reference do not correspond to all of the claimed limitations including those directed to the first and second endpoint devices each having an audio arrangement capable of producing and receiving sound for communications. The Office Action cites to telephone to packet adapters 10a and 400c of Ménard as corresponding to the first and second endpoint devices and to D/A-A/D full duplex interface 18 as the audio arrangement. However, the D/A-A/D full duplex interface 18 is not capable of producing and receiving sound as in the claimed invention. The Ménard reference teaches that the D/A-A/D full duplex interface 18 is connected to a conventional telephone via telephone I/O port 12, and that the user is connected via the telephone to the packet adapter 10a. *See, e.g.*, Figures 1 and 2; Col. 3:20-38. The full duplex interface 18 of Ménard is an analog to digital and digital to analog converter that receives signals from a telephone, the interface 18 is not capable of producing sound for communication as in the claimed invention. Accordingly, the Section 102(e) rejection of claim 7, as well as the rejections of claims 8-11 that depend from claim 7, is improper and Applicant requests that they be withdrawn.

Moreover, the cited portions of the Ménard reference do not correspond to claimed limitations directed to the first and second endpoint devices effecting communications

between two parties by using the PSTN interface of the second endpoint device to establish audio communications between the first endpoint device and the remote PSTN communication device. The claimed limitations involve establishing communications between a first device and a second device and then using the PSTN interface of the second device to establish communications between the first device and a third device. Applicant respectfully submits that the Office Action has misinterpreted portions of the Ménard reference and as such has failed to teach the use of three such devices.

More specifically, the Office Action cites to telephone line interface 24 of Ménard as corresponding to the claimed PSTN interface of the second endpoint device; however, the Ménard reference does not teach routing from a first device to a third device using the telephone line interface 24 of a second device. The Ménard reference teaches that communications are established between a first user 32 and a second user 54 in one of two manners, if the dialed number can not be accessed via the packet network 30, the telephone to packet adapter 400c routes the telephone set 62 to the telephone line 64 (thru the telephone line interface 24 as shown in Figure 1) and dials the number; however, if the dialed number can be accessed via the packet network 30, then packet-based communications are established between the users. *See, e.g.*, Figures 2 and 3; Col. 5:1-27. Both of these methods involve establishing communications between a first device and a second device, not establishing communications between the first device and a third device through the second device as in the claimed invention. Thus, the cited portions of the Ménard reference do not teach establishing packet-based communications between telephone to packet adapters 10a and 400c and then using the telephone line interface 24 of packet adapter 400c to establish audio communications between packet adapter 10a and a third device via telephone line 62 as would be required by the claimed limitations. Therefore, the Section 102(e) rejections of claims 7-11 are improper and Applicant requests that they be withdrawn.

Regarding claim 1, the cited portions of the Ménard reference do not correspond to all of the claimed limitations including those directed to a database arrangement being separately situated from the originating endpoint device, the database arrangement adapted to determine a preferred path for the audio signal from the originating endpoint device to the destination audio interface. The Office Action cites to portions of the

Ménard reference that teach the telephone to packet adaptor 10 searches two different databases, one located in the controller circuit 20 and an IP address database that can be located in an Internet server. The Office Action asserts that the Internet server corresponds to the claimed separately situated database; however, the Ménard reference teaches that the Internet server provides the IP address of a service provider once the path has been determined. Applicant respectfully submits that, consistent with FIGs. 3-5 and their relevant discussions, the determination of the call route (steps 106, 206 and 306) occurs prior to searching the database for the IP address (steps 110, 210 and 320). As such, the information received from the Internet server is merely a lookup of the corresponding IP address and not a determination of a preferred path.

Put another way, the cited portions of the Ménard reference teach that the path for routing a call is determined by the packet adapter based only on information in a database that is in the packet adapter. *See, e.g.*, Col. 5:5-27. Thus, the cited portions of the Ménard reference do not teach that the database arrangement, adapted to determine a preferred path for the audio signal, is separately situated from the originating endpoint device as in the claimed invention. Accordingly, the Section 102(e) rejection of claim 1, as well as the rejections of claims 2-6 that depend from claim 1, is improper and Applicant requests that they be withdrawn.

Regarding claim 12, the cited portions of the Ménard reference do not correspond to all of the claimed limitations including those directed to a plurality of user-provided gateways. The Office Action cites to a first service provider 34, a second service provider 44 and a cable company 52 of Ménard as corresponding to the claimed user-provided gateways. However, the Ménard reference teaches that the first service provider 34, the second service provider 44 and the cable company 52 allow a first user 32, a third user 66 and a second user 54 respectively to connect to the packet network 30. *See, e.g.*, Figure 2 and Col. 4:5-62. The service providers and the cable company are not provided by the users, they simply permit the users to access the packet network. Thus, the service providers and the cable company are not user-provided gateways as in the claimed invention, because they are not provided by the users of the system. Therefore, the Section 102(e) rejection of claim 12, as well as the rejection of claim 13 that depend from claim 12, is improper and Applicant requests that it be withdrawn.

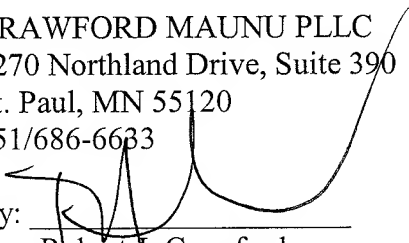
Applicant respectfully traverses the Section 103(a) rejections of claims 14-15 over Ménard '151 in combination with the Vargo '164 reference for at least the reasons set forth above in relation to the Section 102(e) rejection of claim 12. Moreover, the cited portions of the Vargo reference do not correspond to claimed limitations directed to restricting use to the plurality of other users, of a user's gateway as a remote network-terminating gateway. In an attempt to show correspondence, the Office Action cites to completely unrelated portions of the Vargo reference. The cited portions of the Vargo reference concern concatenating subpackets at the gateways and transmuxes and then sending these concatenated subpackets, in some instances after a predetermined period of time has elapsed (*see, e.g.*, col. 5, lines 5-21 and col. 6, lines 24-34). Applicant submits that Vargo's teachings relating to packet flow in no way relate to the claimed limitations directed to restricting user access. Accordingly, the Section 103(a) rejections of claims 14 and 15 are improper and Applicant requests that they be withdrawn.

In view of the above discussion, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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